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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,266	11/30/2001	Frank Kelly	PD-201065	4255

7590 11/16/2005

Hughes Electronics Corporation
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EXAMINER	
NGUYEN, TU X	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/998,266	KELLY ET AL.	
	Examiner	Art Unit	
	Tu X Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9,11-15,17-21,23-27,29 and 30* is/are pending in the application.

4a) Of the above claim(s) *4,10,16,22 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-9,11-15,17-21,23-27,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/29/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 9/28/05, with respect to the rejection(s) of claim(s) 1, 7, 13, 19 and 25 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wright et al.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-9, 11-15, 17-21, 23-27 and 29-30, are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (US Patent 6,366,776).

Regarding claim 1, Wright et al. discloses a method for automatically adjusting power level of a terminal in a radio communications system, the method comprising:

receiving a transmission burst from the terminal (see col.2 lines 30-32);

determining power level measurement of the transmission burst (see col.15 lines 7-9) based on a signal-to-noise ratio of the transmission burst (see col.11 lines 29-35, col.18 lines 28-29); and

transmitting a message specifying the determined power level to the terminal (see col.2 lines 41-45).

Regarding claim 7, Wright et al. disclose adjustment in a radio communication system, comprising:

a transceiver (see 106, 112 fig.1, col.1 lines 8-15) configured to receive a transmission burst form a terminal (see col.15 lines 7-9); and

logic configured to determine power level measurement of the transmission burst (see col.15 lines 7-9) based on a signal-to-noise ratio of the transmission burst (see col.11 lines 29-35, col.18 lines 28-29) and to generate a message specifying the determined power level measurement to the terminal (see col.2 lines 10-24).

Regarding claim 13, Wright et al. disclose a radio communications system for providing closed-loop power control, the system comprising:

a first terminal (400, fig.1) configured to transmit a transmission burst (see col.2 lines 15-20);

a second terminal (100, fig.1) configured to receive the transmission burst from the first terminal and to determine a power level measurement of the transmission burst (see col.2 lines 31-33, col.15 lines 7-9) based on a signal-to-noise ratio of the transmission burst (see col.11 lines 29-35, col.18 lines 28-29), wherein the second terminal generates a message that specifies the determined power level measurement (see col.2 lines 41-45), the message being transmitted to the first terminal.

Regarding claim 19, Wright et al. disclose a terminal apparatus for providing automatic power level adjustment in a radio communication system, comprising:

means (106, fig.1) for receiving a transmission burst from the terminal (see col.2 lines 15-20);

means (114, fig.1) for determining a power level measurement of the transmission burst (see col.15 lines 7-9) based on a signal-to-noise ratio of the transmission burst (see col.11 lines 29-35, col.18 lines 28-29); and

means (112, fig.1) for transmitting a message specifying the determined power level measurement to the terminal (see col.2 lines 41-45).

Regarding claim 25, Wright et al. disclose a computer-readable carrying one or more sequences of one or more instructions for automatically adjusting power level of a terminal in a radio communications system, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors (see col.2 lines 20-50, the processing communications satellite systems and more particularly relates to coordination between the uplinks and downlinks of such system inherently require a computer-readable medium carrying one or more sequences of one or more instructions), cause the one or more processors to perform the steps of:

determining a power level measurement of a transmission burst received from the terminal (see col.15 lines 7-9) based on a signal-to-noise ratio of the transmission burst (see col.11 lines 29-35, col.18 lines 28-29); and

denerating a message specifying the determined power level measurement, wherein the message is transmitted to the terminal (see col.2 lines 41-45).

Regarding claims 2, 8, 14, 20 and 26, Wright et al. disclose the terminal determines a power margin based on the power level measurement and selectively

adjusts transmission power based upon the power margin (see col.26 lines 44-55, "threshold" reads on "margin").

Regarding claims 3, 9, 15, 21 and 27, Wright et al. disclose the transmission burst contains information on signal quality (see col.11 lines 50-55).

Regarding claims 5, 11, 17, 23 and 29, Wright et al. disclose the radio communications system is a two-way satellite communication system having a star topology (see fig.1, the satellite 100 acts as a central hub distributor between user terminals 400 and network operation center 300 corresponding to star topology).

Regarding claims 6, 12, 18, 24 and 30, Wright et al. disclose determining the step and the transmitting step are performed on a real-time basis (see col. 2 lines 32-33).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

TN
11/8/05

EDAN ORGAD
PATENT EXAMINER/TELECOMM.
11/11/05